

Remarks

Claim 7 is amended.

Claims 1-5, 7 and 9-16 are pending.

Claims 9 and 11-15 are withdrawn.

Claims 1-5, 7, 10 and 16 are under consideration.

Claim 7 is amended to make the structure of formula (3c') more clear. A new substituent "G" is inserted and defined as H, Me or Et (hydrogen, methyl or ethyl).

No new matter is added.

Claim Rejections

Claim 7 is rejected under 35 USC 112, second paragraph, for reasons of record.

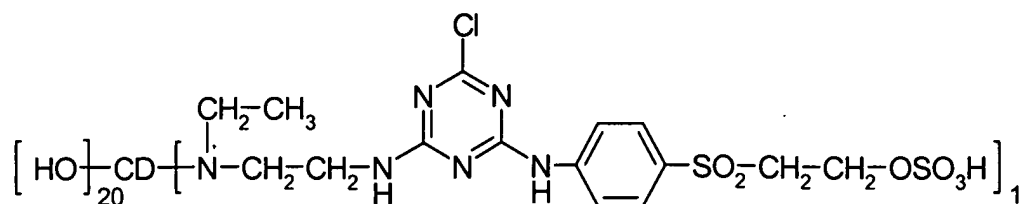
The Examiner objects to the substituent drawn as "H, Me or Et". This is corrected by amendment as outlined above.

In view of the amendment to claim 7, Applicants submit that these rejections are addressed and are overcome.

Claims 1-5, 7, 10 and 16 are rejected under 35 USC 103(a) as being unpatentable over Reuscher, et al., U.S. Pat. No. 5,728,823.

Applicants respectfully rebut these rejections.

Firstly, the elected specie is compound 116a on page 38 of the disclosure:



The elected specie is of formula (1a). Present Q₁ is ethyl, spacer B is ethylene, A is –NH– and Z₁ is the triazine moiety. The Examiner states that the elected specie is taught as part of a genus of Reuscher. This is only possible when Reuscher describes R as R² where R² is a nitrogen-containing heterocycle which is either linked directly or via a spacer by means of an ether, thioether, ester or amine, and where the spacer is an alkyl or hydroxyalkyl of 1-12 carbon atoms, which is bonded to the anhydroglucose via an ether, thioether, ester or amine, col. 2, lines 1-7. This represents an extremely large number of compounds. Applicants note R² of Reuscher is more specifically described as –R³_m–(CHR⁴)–R⁵–R⁶. The spacer group is –(CHR⁴)– where R⁴ is H or OH, col. 2, lines 30-41. Groups R³ and R⁵ are variable. Present B in the elected specie is an ethylene spacer. The ethylene spacer is linked to the triazine and to the cyclodextrin by nitrogen groups. Thus, the present elected specie is not fairly suggested by Reuscher.

While Reuscher generically describes a number of linkage groups to the polysaccharide including amino, the processes described in this reference (col. 4, line 32 onwards) are silent about amino-derivatives. Reuscher is non-enabling for the generic disclosure where his R³ is NH or NR⁷. Suitable educts, which are said to be known from literature (col. 5, lines 33-34), are described as cyclodextrin ethers and/or esters (col. 4, lines 62-65). Reuscher teaches reacting these educts with the N-containing heterocyclic compound (col. 4, lines 40-41), which contain at least 2 electrophilic centers (col. 5, lines 34-36); these components are mainly selected from chloropyrimidines and chlorotriazines such as cyanuric chloride (see lower section of col. 5, and examples).

Other than the very generic disclosure of Reuscher, the amino educts for the present compounds, such as those claimed in present claim 16, are not known from literature. Neither their preparation has been mentioned or suggested by Reuscher, nor has their reaction with the heterocyclic component been described in any way in that document.

Consequently, and despite of the broad generic formula given, Reuscher not only fails to exemplify the present compounds, but fails to provide any motivation to the person skilled in the art to employ amino-derivatized polysaccharides as starting material for the reaction with heterocyclics such as cyanuric chloride, and is far from giving any hint on the preparation of such educts. Reuscher does not suggest the present compounds, and does not enable the skilled person to prepare said compounds.

Further, present claim 5 requires the spacer B to be 1,2-ethylene, 1,3-propylene or 1,2-propylene. The limitations of present claim 5 are further not fairly suggested by Reuscher. The more specific description of R² of Reuscher does not allow for overlap with the compounds of present claim 5. The generic description of Reuscher is extremely broad.

In view of these remarks, Applicants submit that the 35 USC 103(a) rejections are addressed and are overcome.

In view of the present amendments and the above remarks, Applicants submit that each of the claim rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are now in condition for allowance and respectfully request that they be found allowable.

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Respectfully submitted,



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